

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MANDEL BENSON,

Petitioner,

v.

MATTHEW MARSKE,

Respondent.

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ORDER

19-cv-644-bbc

On December 6, 2019, I denied federal prisoner Mandel Benson's petition for a writ of habeas corpus under 28 U.S.C. § 2241. Dkt. #4. On March 31, 2020, I denied petitioner's motions requesting that the court extend his deadline for filing a motion for reconsideration under Rule 59 of the Federal Rules of Civil Procedure. Dkt. #10. I explained that courts may not extend the 28-day time limit imposed by Rule 59(e). Now petitioner has filed a motion requesting that the court toll any deadlines that apply currently to his case. Dkt. #11. He says that because of the Covid-19 pandemic, prisons have been locked down and he has been unable to access the law library or other resources he needs.

I will deny petitioner's motion, because there are no deadlines pending in his case. His deadline for filing a motion under Rule 59 has expired, and so has his deadline for filing an appeal. Fed. R. App. P. 4(a)(1). Petitioner may still file a motion for relief from judgment under Rule 60 of the Federal Rules of Civil Procedure, if he can show that relief is warranted under one of the factors set forth in Rule 60(b). A motion under Rule 60(b)

must be made within a “reasonable time,” and for reasons under Rule 60(b)(1), (2) or (3), the motion must be made within one year of the entry of judgment. Fed. R. Civ. P. 60(c).

ORDER

IT IS ORDERED that petitioner Mandel Benson’s motions to toll deadlines, dkt. #11, is DENIED.

Entered this 5th day of June, 2020.

BY THE COURT:

/s/  
BARBARA B. CRABB  
District Judge